

104TH CONGRESS
1ST SESSION

S. 952

To prohibit the taking of certain lands by the United States in trust for economically self-sufficient Indian tribes for commercial and gaming purposes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21 (legislative day, JUNE 19), 1995

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To prohibit the taking of certain lands by the United States in trust for economically self-sufficient Indian tribes for commercial and gaming purposes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Trust Lands
5 Reform Act of 1995”.

1 **SEC. 2. PROHIBITION AGAINST TAKING CERTAIN LANDS IN**
2 **TRUST FOR AN INDIAN TRIBE.**

3 Section 5 of the Act of June 18, 1934 (commonly
4 known as the “Indian Reorganization Act of 1934”) (48
5 Stat 935; 25 U.S.C. 465) is amended—

6 (1) in the first undesignated paragraph, by
7 striking “The Secretary of the Interior” and insert-
8 ing “Except as provided in the following paragraph,
9 the Secretary of the Interior”; and

10 (2) by inserting after the first undesignated
11 paragraph the following new undesignated para-
12 graphs:

13 “Except with respect to lands described in the follow-
14 ing paragraph, the Secretary of the Interior may not take,
15 in the name of the United States in trust for use for any
16 commercial purpose (including gaming, as that term is
17 used in the Indian Gaming Regulatory Act (25 U.S.C.
18 2701 et seq.)) by an economically self-sufficient Indian
19 tribe, any land that is located outside of the reservation
20 of that Indian tribe as of the date of enactment of the
21 Indian Trust Lands Reform Act of 1995. The Secretary
22 of the Interior shall, after providing notice and an oppor-
23 tunity for public comment, determine whether an Indian
24 tribe is economically self-sufficient for purposes of this
25 paragraph. The Secretary of the Interior shall promulgate
26 regulations pursuant to section 553 of title 5, United

1 States Code, to prescribe the criteria that shall be used
2 to determine the economic self-sufficiency of an Indian
3 tribe under this paragraph. The criteria described in the
4 preceding sentence shall include a comparison of the per
5 capita allocation of the gross annual income of an Indian
6 tribe (including the income of all tribal enterprises of the
7 tribe) among members of the tribe with the per capita an-
8 nual income of citizens of the United States, and shall in-
9 clude the potential contribution of the lands at issue as
10 trust lands toward efforts of the tribe to achieve economic
11 self-sufficiency.

12 “The immediately preceding paragraph shall not
13 apply with respect to any lands that are taken by the Sec-
14 retary of the Interior in the name of the United States
15 in trust for the establishment of an initial reservation for
16 an Indian tribe under applicable Federal law, including
17 the establishment of an initial reservation by the Secretary
18 of the Interior in accordance with an applicable procedure
19 of acknowledgement of that Indian tribe, or as otherwise
20 prescribed by an Act of Congress. Neither shall the imme-
21 diately preceding paragraph apply to any lands restored
22 to an Indian tribe as the result of the restoration of rec-
23 ognition of that Indian tribe by the Federal Government.”.

